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**MEMO ENCLOSED**  
 December 3, 2007

Hon. Charles L. Brieant  
 United States District Court  
 300 Quarropas Street  
 White Plains, New York 10601

Upperwaters Partia - Case No. 7  
 Previously Set for Trial on 2/3/2008 in  
 Your Office and filed 12/17/2008  
 JC indicated  
 12/17/08 Re: Bonhag v. Colavita, et al.  
 Docket No. 07 Civ. 5714 (SCR)  
 Our File No. 07-458

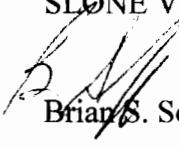
Dear Judge Brieant:

I am sorry to report that the optimism for settlement that we had when we met with Your Honor at our last conference has evaporated. Because that optimism caused us to delay pushing the case forward, I must write on behalf of both sides to request an extension of the discovery cutoff. The parties have not conducted depositions or exchanged written discovery. The current cutoff is February 18, 2008. Both sides request a three-month extension, to May 19, 2008.

Thank you for your consideration of this matter.

Very truly yours,

MIRANDA SOKOLOFF SAMBURSKY  
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 Brian S. Sokoloff

BSS/--

**MIRANDA SOKOLOFF SAMBURSKY SLOWNE VERVENIOTIS LLP**

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[INSERT NAME]

**DECEMBER 3, 2007**

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cc: Jonathan Lovett, Esq.  
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